

Frequently Asked Questions
Stormwater and Erosion Control Ordinance

1. How do we designate streams as blue line or Perennial or intermittent?

If the stream is delineated on the Buncombe Soils Survey map or the USGS topographic quadrangle map, then by state law they are considered intermittent or perennial.

2. Staff and the majority of the WPC recommend a matrix for determining buffer widths that is referred to as Pete's Matrix. This matrix is difficult for the general public to understand. Can it be simplified?

Staff is prepared to develop a web based application that will assist citizens in determining the required buffer. Staff agrees that the matrix is difficult for the general public but not for design professionals.

It was a challenge to develop a matrix that gave consideration to various factors that influence water quality impairment yet was simple to understand.

3. What does the state require for buffers?

The state requires a minimum thirty foot buffer (interpreted as a setback on constructed impervious area) on intermittent and perennial streams when the land disturbing activity is one acre or greater.

4. What does the science say about buffer widths?

The attached graph indicates the general removal of water quality pollutants in relationship to the width of the buffer. The shape of the graph indicates that the first 25 to 30 feet have the greatest efficiency.

5. When is a buffer required in the proposed ordinance?

Any land disturbing activity. The Table of Uses at the end of the ordinance has some allowances with mitigation.

6. How many exceptions to the buffer requirement have been granted since the ordinance was adopted in August 2007?

Five

7. Can you provide the Commission with a matrix comparing the elements of the ordinance with State requirements?

Staff has provided the attached matrix titled "Matrix for Legal Authorities, Excluding Buffers, Greenways and Watershed Overlay Zones and Matrix for Legal Authorities, Buffers, Greenways and Watershed Overlay Zones."

8. The ordinance is very complicated. Can we have a "Citizens Guide to the Ordinance?"

Staff has prepared a draft of this guide attached.

9. The draft ordinance is not clear as to whether maintenance of lawns over 1 acre would require a grading permit.

Staff has changed the wording in Section 7-12-2 (a) (7) 8 & 9, on draft pages 3 and 4 to clarify that maintenance of any size lawn does not require a permit where there is no change in contours.

10. How much time and cost will be realized as a result of streamlining the appeal process?

Since August 2007, the City has issued 162 violations with penalties associated with them. Fifty-five of them have been appealed. The staff costs associated with each appeal is approximately \$600. Of the 55 appeals, approximately half of these could have been avoided with the recommended appeal process for a savings to the City of over \$7,000 per year. Additional savings are realized by the appealing individuals.

11. How will the City inform the public about the changes to the Stormwater and Erosion Control Ordinance?

In addition to the Citizen's Guide, staff plans to develop specific brochures for contractors to understand the ordinance. Staff will hold training sessions for engineers and architects. Additionally, we will provide information on our website and the City's TV channel.

12. What are the thresholds for various requirements?

*Thresholds for Various Requirements
Stormwater and Erosion Control Ordinance*

<i>Type</i>	<i>Amount of Disturbance</i>
<i>Buffer Requirements</i>	<i>Any land disturbing activity</i>
<i>Grading Permit Required</i>	<i>> 500 square feet</i>
<i>Stormwater Analysis</i>	<i>> 10,000 square feet</i>
<i>Formal Inspections</i>	<i>> 25,000 square feet</i>

13. Can greenways with impervious surfaces be within the buffer?

Yes. In the proposed ordinance they would be allowed with mitigation.

14. Can a larger buffer be required as part of the stormwater ordinance on projects that fall within the greenway master plan?

Staff would not recommend this action.

15. What is staff's recommendation with regard to the buffer and why?

Staff recommends Pete's Matrix for several reasons. If staff were only considering water quality impacts, the recommendation would be buffers of 100 foot buffers or more;

however, there are several other factors that staff took into consideration in making this decision:

- *Preservation of even a narrow strip along stream banks and the deep rooted vegetation with that strip provides significant benefits to the maintenance of stable stream banks.*
- *The first thirty feet is significant in removing sediment loading which is our primary source of water pollution.*
- *The steep slope ordinance limits and discourages development in the higher terrain. Population projections show the need for additional development in the City in the next 15 years.*
- *Pete's Matrix requires larger buffers for properties on steep slopes.*
- *It is more restrictive than the State Minimum. Staff cannot support the State minimum for urbanized areas like Asheville. Pete's Matrix provides buffer protection for intermittent streams.*
- *Staff worked with the WPC in good faith to support the evaluation of all the information available. The majority of the group support a good risk based methodology provided in the recommended Matrix.*